

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

JESUS R. SANCHEZ, on behalf of himself)	
and all others similarly situated)	
)	
Plaintiffs,)	Case No. 2:11-cv-02548
)	
v.)	District Judge S. Thomas Anderson
)	
E-BACKGROUNDCHECKS.COM, INC.)	Magistrate Judge Charmiane G. Claxton
)	
Defendant.)	

**DEFENDANT E-BACKGROUNDCHECKS.COM, INC.'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE REPLY BRIEF IN SUPPORT
OF ITS MOTION TO DISMISS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant e-BackgroundChecks.com, Inc. ("BGC") hereby moves the Court for an extension of time up through and including June 11, 2012 in which to file its reply brief in support of its motion to dismiss. In support of its unopposed motion, BGC respectfully shows the Court as follows:

1. Plaintiff filed his First Amended Class Action Complaint on February 2, 2012. (Dkt. No. 24)
2. BGC filed a motion to dismiss on April 9, 2012. (Dkt. No. 42).
3. Plaintiff filed a response brief in opposition to the motion to dismiss on May 14, 2012. (Dkt. No. 54).
4. Pursuant to Local Rule 12.1(c), BGC has fourteen (14) days to file a reply brief in support of its motion—or, until Monday, May 28, 2012. Because May 28, 2012 is Memorial Day, a federal holiday, BGC's reply is due on Tuesday, May 29, 2012. *See* Fed. R. Civ. P. 6(a)(1)(C) ("[I]nclude the last day of the period, but if the last day is a . . . legal holiday, the

period continues to run until the end of the next day that is not a . . . legal holiday.”); Fed. R. Civ. P. 6(a)(6) (defining legal holidays to include Memorial Day).

5. BGC seeks to provide a thoughtful and appropriate response to Plaintiff’s opposition and requires additional time to evaluate Plaintiff’s arguments. Accordingly, BGC requests an additional fourteen (14) days (from May 28, 2012)—up through and including Monday, June 11, 2012—to file its reply brief pursuant to Local Rule 12.1(c).

6. The requested fourteen day extension will not delay the timely resolution of this civil action, which is still in its early stages.

7. Undersigned counsel hereby certifies that counsel for BGC has conferred with counsel for Plaintiff, and is authorized to represent that Plaintiff does not oppose the relief requested in this Motion.

WHEREFORE, BGC respectfully requests entry of an Order extending its time up through and including June 11, 2012 to file its reply brief in support of its motion to dismiss. A proposed Order is submitted herewith as required by the Local Rules.

Dated: May 23, 2012

Respectfully submitted,

s/ Angie C. Davis

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CERTIFICATE OF CONSULTATION

The undersigned hereby certifies that counsel for Defendant e-BackgroundChecks.com, Inc., John Jett, consulted with Counsel for Plaintiff, Matt Dooley, via e-mail and telephone on May 23, 2012. Counsel for Plaintiff indicated that he does not oppose the relief requested herein.

s/ Angie C. Davis

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of May 2012, a copy of the foregoing electronically filed Defendant e-BackgroundChecks.com, Inc.'s Unopposed Motion for Extension of Time to File Reply Brief in Support of its Motion to Dismiss was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

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